

REMARKS/ARGUMENTS

Reconsideration of the present application as amended is respectfully requested.

Claims 1-17 remain in this application. Claims 5-17 have been withdrawn.

A Substitute Abstract is submitted to replace the one provided earlier and more clearly indicate the general subject matter of the present application.

To put those claims in better U.S. form, this Amendment amends Claims 1-3 and 16 to remove the reference numerals.

In the Office action, restriction was required as between Species 1-7. Species 1 is said to be directed to Fig.'s 1-3. Species 2, to Fig. 4. Species 3, to Fig. 5. Species 4, to Fig. 6. Species 5, to Fig. 7. Species 6, to Fig. 8. Species 7, to Fig. 9.

Applicants hereby elect with traverse Species 1 for prosecution and request reconsideration of the Examiner's restriction requirement as applied to Claims 5-17.

Species 1 corresponds to, at least, Figures 1-4. Claims 1-4 are readable on Species 1.

It is alleged on page 2, paragraph 3 of the Office action that no claim is considered to be generic. This position is respectfully traversed. Since all of Claims 2-14 are dependent on Claim 1, Claim 1 is by definition generic to each of Claims 2-14. Further, Claim 15 is generic to each of Claims 16 and 17 as each of Claims 16 and 17 depends from Claim 15. Applicants respectfully submit that Claims 1 and 15 of the application are generic.

Applicants respectfully traverse the restriction as applied to Claim 15. Applicants' traversal is based on, at least, the fact that the identified embodiments of independent Claims 1 and 15 are so closely related that the search and examination of the entire application can be made without serious burden.

MPEP § 803 - Restriction - When Proper, reads

... If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Independent Claim 1 recites a picture element having an optical switch comprising at least one first fluid and a second fluid immiscible with each other, driving means for applying voltages associated with a range of electro-optical states including a first extreme state and a second extreme state and providing variable voltages to the picture element during selection of the picture element. Claims 5-14 depend, either directly or through intervening Claims, from generic Claim 1 and incorporate all of the features of generic Claim 1.

The other independent claim in the present application, Claim 15, recites a picture element having an optical switch comprising at least one first fluid and a second, immiscible fluid, means for applying voltages associated within a range of electro-optical states of the picture element between and including a first extreme

state and a second extreme state and driving means providing prior to selection of a picture element a voltage to said picture element bringing the picture element into one of the extreme states.

Applicants' traversal is based at least on the fact that a search encompassing the embodiments of elected specie, as recited in Claim 1 is so closely related to withdrawn Claim 15, that the search and examination of the elected specie related to Claim 1 necessitates a search of the elements encompassed by the withdrawn independent Claim 15, including, in particular, the "... voltage to said picture element bringing the picture element into one of the extreme states" recited in Claim 15. In fact, due to the nature and relationship of the claim elements, a search of the elected Claims 1-4 will likely encompass prior art related to the withdrawn Claims 5-17. Accordingly, a search and examination of the entire application can be made without serious burden.

Based on the foregoing, Applicants respectfully request withdrawal of the restriction requirement and

examination of the application on its merits is now respectfully requested.

In view of the above, Applicants further respectfully submit that Claims 1 and 15 are generic and allowable, that Claims 2-14 and 16-17 are patentable at least based on their respective dependencies and that the present application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

By Frank J. Keegan
Frank J. Keegan, Reg. 50,145
Attorney
(914) 333-9669
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Enclosure: Substitute Abstract